THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27528 of 2005

Date:03 .02.2006

H.V.Rajeshwari.

----------Petitioner

The Deputy Inspector General of Police

(Manager CRPF School)

----------Respondent

ORDER:

The petitioner challenges orders, dated 04.08.1999 and 21.09.1999, passed by the respondent herein, through which the purported resignation of the petitioner was accepted. Direction for reinstatement of the petitioner into service and extension of consequential benefits, is also prayed for.

The petitioner was selected and appointed as a Teacher in Mathematics in CRPF School, Chandrayangutta, Hyderabad, in October 1996. Her services were regularized, on successful completion of probation, through order, dated 23.12.1998. According to the petitioner, she was victimized and ill-treated by one Mr.Mathew Joseph, ever since he assumed the charge as Additional D.G.P. and Additional Manager of the School. It is alleged that he went on issuing memos, one after the other, on slightest of the pretexts. It is stated that a letter of resignation was forcibly extracted from her on 21.06.1999, and that she has immediately protested against the course of action, adopted by the concerned officials. She filed a petition before the District Legal Services Authority, Ranga Reddy District. Placing reliance upon the recent Judgment of the Supreme Court in ***State Bank of Patiala vs. Phoolapati***, it is contended that the impugned proceedings cannot be sustained in law. In her affidavit, the petitioner has narrated several other facts, which cannot be treated as germane or relevant for the purpose of this Writ petition.

The respondent filed a counter affidavit. A serious objection is taken to the maintainability of the Writ Petition, on the ground that the School was established by a Society, registered under the Provisions of the Societies Registration Act. The allegation of the petitioner that she has been subjected to harassment and victimization was denied. It is stated that the letter of resignation submitted by the petitioner was accepted and that no exception can be taken to it.

The petitioner presented the case by appearing in person. She pleads that she has been subjected to harassment, during the tenure of the then Principal and that the so-called letter of resignation was extracted from her forcibly. She submits that much before the Office Order, dated 04.08.1999, was issued to her, accepting the resignation with effect from 21.09.1999, she submitted representations, stating that the resignation was not voluntary and she was threatened and terrified, to sign on the resignation letter, which was already typed and kept in the Office. She contends that despite such representations, the respondent accepted the resignation.

Sri B.Narayana Reddy, the learned counsel for the respondent submits that the resignation of the petitioner was found to be voluntary and it was accepted, after due verification. He contends that the subsequent stand of the petitioner, resiling from the resignation, cannot be treated as valid, in law.

Before undertaking discussion of the matter on merits, the objection raised by the respondent as to the maintainability of the Writ Petition needs to be dealt with. The petitioner was appointed as a Teacher in Mathematics in CRPF School, Chandrayanagutta, Hyderabad, through order, dated 31.07.1996. In the counter affidavit filed by the respondent, it is stated that the School was established by CRPF Employees Educational Society, in the year 1985. Alleging that neither the said Society nor the School has any trappings of the State, within the meaning of Article 12 of the Constitution of India, an objection is raised as to the maintainability of the Writ Petition. In the counter affidavit, it is stated that the Director General of C.R.P.F. is ex-officio President of the

Society. The composition of the Management Committee of the School is as under:

"Chariman : IGP, Southern Sector, CRPF, Hyderbad.

Manager : The DIGP, CRPF, Ranga Reddy

Addl. Manager : The Addl.DIGP, Group Centre, CRPF,

Ranga Reddy.

The Principal, CRPF Public School, Ranga Reddy."

Having regard to the fact that the facilities are provided by the Central Government for establishment and running of the School and the composition of the Managing Committee, it can safely be concluded that there is a deep and pervasive control of the School by the Government. At any rate, the action of the respondent, who is a prominent officer in a para Military Force of the State, in passing the impugned order in his official capacity, is very much amenable to the jurisdiction of this Court.

The petitioner worked as a Teacher in several reputed schools, before she joined C.R.P.F.School. She does not appear to have faced any trouble in the initial days of her service. Her trouble started after one Mr. Mathew Joseph assumed the charge of the School. He went on issuing memos to the petitioner, on one pretext or the other. The record discloses that the petitioner was found fault with, on the grounds, such as that she availed causal leave, or that the solution given by her to a problem in Mathematics in Class-V was not correct. It is not necessary to refer to various other instances cited by the petitioner.

The respondent filed copies of two letters, dated 21.06.1999, said to have been signed by the petitioner. One of the letters reads as under:

"To

The Manager,

CRPF School, Jawahar Nagar,

Hakimpet, Secunderabad-78.

Subject: RESIGNATION FROM SERVICE.

Respected sir,

I have been serving in CRPF School, Jawahar Nagar as P.R.T. since 12th Aug, 1996. Due to valid reasons, I do not wish to continue in service. Therefore, I hereby resign my job from the post of Primary Teacher of your school.

Thanking You for your kind co-operation.

Yours Faithfully,

Sd/-

Miss.H.V.Rajeshwari

P.R.T.

718-C-Type-III.BHEL Township

Hyderabad"

In the other copy, which is said to have been signed by the petitioner, on the same day, the words "*official (unjust)*" and "*continuous harassment by the principal*" were also written. The circumstances, under which, two separate letters, with over writings, were said to have been made by the petitioner, are not explained. Be that as it may, on 07.08.1999, the petitioner submitted a representation to the respondent. The first paragraph of the representation reads as under:

1. *My letter of resignation was not voluntary. I was literally threatened and terrified to sign on the resignation letters which were already typed and kept in their office, on 15th June, 99. The process of threatening, since the 15th June, 99, continued till the 21st Aug, 99 and finally, I was compelled to sign on it, which is totally illegal.*

The record discloses that the said representation was received by the respondent on 10.08.1999. Two more letters were addressed by the petitioner,

on the same lines. The respondent passed the following order on 04.08.1999:

OFFICE OF THE MANAGER, C.R.P.F.SCHOOL, JAWAHARNAGAR (RR DISTRICT)

No.A.VI.4/99.School Dated, the 4 Aug, 1999.

OFFICE ORDER

Resignation tendered by Miss.H.V.Rajeshwari, PRT of CRPF School, Jawaharnagar from the Primary Teacher post in C.R.P.F. School, Jawaharnagar vide letter dated 21/6/99 is hereby accepted with effect from 21/9/99(AN) on completion of 3 months notice period in terms of Rule 163 of A.P.Educational Rules. Accordingly, she will stand relieved from her duties

w.e.f.21/9/99(AN) and struck off the strength of C.R.P.F.School, Jawaharnagar from the same date.

Sd/- (T.P.S.DAS) IPS

DIGP-cum-Manager

CRPF School, J/Nagar

An endorsement was made to the effect that the petitioner refused to receive the letter, and signatures of three teachers were taken thereon, as witnesses. This was followed by another letter, dated 21.09.1999, which reads as under:

OFFICE OF THE MANAGER, C.R.P.F.SCHOOL, JAWAHARNAGAR

No.A.VI.4/99.School Dated, the Sept'99.

OFFICE ORDER

In continuation to this office order of even number dtd.4/8/99 vide which the resignation tendered by Miss.H.V.Rajeshwari, PRT of CRPF School, Jawaharnagar was accepted w.e.f.21/9/99(AN). Accordingly, she is being relieved from her duties w.e.f.21/9/99(AN) and struck off the strength of CRPF School, Jawaharnagar from the same date ie.21/9/99(AN).

Sd/- (T.P.S.DAS) IPS

DIGP-cum-Manager

The petitioner was so perturbed and terrified that she had to submit a representation of three typed pages, narrating the dreadful circumstances, that she was facing in the Institution. The first two paragraphs of her representation, dated 23.09.1999, make a startling revelation, and even if a fraction of her allegation is true, it makes a sad and horrifying reflection on the functioning of the School. It reads as under:

1. *I accept that I had signed on the two copies of letters on the 21st June 99 (dated the 15th June 99) which was illuded to be my voluntary resignation letters, by the management. The true terrifying reasons which have made me to accept to sign are:*

   a. *I was threatened by the Additional DIG (The Asst. Manager of the School) that <u>I would be allegedly raped, my life and future will be ruined and spoilt if in case If refuse to accept.</u>*

   b. *I was also threatened by the Addl. DIG that I would not be allowed to step into the campus as the gate would remain locked for about 22 to 25 days continuously. After which I will be dismissed from my service, for which I will not be having any evidence. Since the CRPF campus and the people working over there are totally under his control. (for I being absconding from duty!)*

2. *I was also told that I will not be allowed to speak to let the higher authorities to know about this injustice, till I accept the letters dated 15.06.1999 (which were already typed & kept in his office consisting of totally false information).*

When so much of controversy was going on, as regards the alleged letter of resignation, the 1st respondent was not at all justified in proceeding as though it was voluntary. Apart from failing to rescue the petitioner from a gross ill-

treatment meted out to her by the person, named in the representations, the respondent has only put a seal of premium on the outrageous activities of those, who forcibly extracted the letter of resignation from the petitioner.

There is intrinsic evidence to establish that the so-called resignation of the petitioner was not voluntary. In a way, the allegation of the petitioner against the then Additional D.G.P., Sri Mathew Joseph, stands proved, from a perusal of the letter, dated 23.6.1999, addressed by him to the D.I.G. While forwarding the letter of resignation of the petitioner for acceptance, the Additional D.G.P. made the following remarks:

> *"4. She was given a number of memos which she accepted but she did not respond at any time including that of Manager. Since she did not reply to any of the letters, it is presumed that she had accepted the fault otherwise she could have replied it.*
>
> *5. Within short span of time I found her very argumentative, indisciplined and has no respect to anyone. Her continued presence in this school will pollute and contaminate the atmosphere of the school where small children are studying. Her presence will also affect the discipline of the teachers."*

Whenever an employee submits resignation, the superior authority is expected to examine the matter dispassionately and ensure as to whether the resignation was submitted voluntarily. A gracious person with human approach would, in fact, ensure that resignation submitted out of frustration or based on emotional and instant reaction, is not acted upon, and the employee be given an opportunity to cool down. Here is a case, where the Additional D.G.P. has put all his efforts to drive away the petitioner from the institution and has pressurized her to sign on a typed letter of resignation The falsity of the allegation of the Additional D.I.G. is evident from the fact that the appointing authority regularized the services of the petitioner just few months earlier to this episode. Petitioner was found to have successfully completed her probation. His guilty consciousness is evident from the following paragraph, where he tried to explain the over writings on the letter of resignation.

> *"6. While going through the application she made some remarks*

stating the reasons for her resignation. I told her that it is not proper for the fitness of things to write like this. She agreed to erase it. Hence the erased copy and the 2nd copy are also enclosed."

It is rather sad that such an irresponsible, vindictive and inhuman person held a high office of Additional D.G.P. The authority, who accepted the resignation, ought to have exhibited little care, before accepting it, and taken into account, the various representations made by the petitioner, before the so-called acceptance came into force.

Whatever may be the controversy, as regards the versions put forward by both the parties, in this case, the fact remains that the petitioner has clearly stated that she never submitted the letter of resignation, on her own accord, and that her representation was received by the respondent, before he passed the order of acceptance. The alleged resignation was accepted with effect from 21.09.1999. The protest by the petitioner was much before the date, on which the letter of acceptance was to have come into force. The principle laid down by the Supreme Court in the case of ***State Bank of Patiala*** (1 supra) gets attracted, straight forward, to the facts of this case. In para (7) of its Judgment, the Supreme Court held as under:

7. *It is a settled position in law that unless the employee is relieved from the duty after acceptance of the offer of voluntary retirement or resignation, jural relationship of the employee and the employer does not come to an end. (See Power Finance Corpn. Ltd. V.Pramod Kumar Bhatia (reported in (1997) 4 SCC 280: 1997 SCC (L&S) 941))*

In ***Punjab and Sind Bank vs. Mohinder Pal Singh,*** the Supreme Court held that where a letter of resignation or an application for voluntary retirement is withdrawn, before it was accepted, the employer cannot proceed to accept the same. It was also observed as under:

*"An offer made by an employee **ipso facto** would not amount to a resignation in **praesenti** as it was to apply on a future date and withdrawal thereof before acceptance thereof by the employer*

would be valid in law."

Precedents can be multiplied on this aspect. Further, there is nothing on record to disclose that the petitioner had taken any steps to give credence to the acceptance of her alleged resignation. She did not receive any terminal benefits. Her protest has been vehement and unequivocal, ever since she was forced to sign on a letter of resignation. The plight of a woman, who was summoned by a powerful officer in the C.R.P.F., flanked by certain other officers, who were deriving sadistic pleasure, or were equally interested in getting rid of such helpless woman, can easily be imagined. This Court takes serious exception to the manner, in which the petitioner was treated.

For the foregoing reasons, the Writ Petition is allowed, and it is held that the proceedings, dated 04.08.1999 and 21.09.1999, are illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. The respondent shall reinstate the petitioner into service forthwith. Since the petitioner approached this Court at a belated stage, it is directed that she shall be entitled to 50% of back wages. It shall be paid to her within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date:03.02.2006

Note: L.R.Copy to be marked.

(B/o)

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$ The Deputy Inspector General of Police

(Manager CRPF School)

----------Respondent

! Counsel for the petitioner : In person

^ Counsel for Respondent : Sri B.Narayana Reddy

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>Head Note :

? Citations:

1. (2005) 3 SCC 88
2. AIR SCW 6184